

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

GEORGIA SOUTHWESTERN RAILROAD,
INC., a Corporation,

2006 OCT -4 P 4:10

CLERK OF DISTRICT COURT
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA.

Plaintiff

v.

CASE NO. 2:06cv3-DRB

AMERICUS C. MITCHELL, JR.,
an Individual,

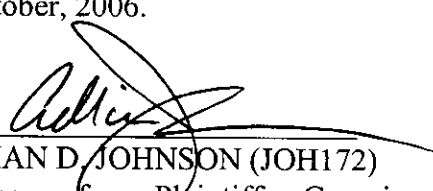
Defendant.

EVIDENTIARY SUBMISSION IN SUPPORT OF
PLAINTIFF'S RESPONSE TO DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT

COMES NOW Georgia Southwestern Railroad and submits the following documents and deposition transcript designations in support of Plaintiff's Response the Defendant's Motion for Summary Judgment:

1. Lease Agreement attached as "Exhibit 1."
2. Repair Estimate attached as "Exhibit 2."
3. Invoices from Lindsey Contractors attached as "Exhibit 3."
4. Deposition of Americus C. Mitchell, Jr., pages 18-19, 24, 25, 40 and 45.
5. Deposition of David L. Smoot, page 6.
6. Deposition of Terry R. Small, pages 7, 11-12, 47, 48, 52, 53, 54, 55, 56, 57 and 58.

RESPECTFULLY SUBMITTED this the 4th day of October, 2006.

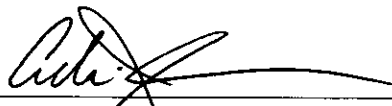

ADRIAN D. JOHNSON (JOH172)
Attorney for Plaintiff Georgia
Southwestern Railroad, Inc.

OF COUNSEL:
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(334) 832-4200

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon the below listed party by placing a copy of same via facsimile and by United States Mail, postage prepaid and properly addressed this the 4th day of October, 2006:

D. Craig Allred
David E. Allred, P.C.
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OF COUNSEL